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July 17, 1995

VIA HAND DELIVERY

William F. Caton
Acting Secretary
Federal Communications Commission
1919 N Street, N.W.
Washington, D.C. 20554

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JUL 17 1995
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**Re: Section 68.4 (a) of the Commission's Rules
Hearing Aid-Compatible Telephones
Petition for Rulemaking - RM-8658**

Dear Mr. Caton:

Enclosed are an original and four (4) copies of my "Comments" in support of the above-captioned Petition for Rulemaking filed on behalf of HEAR-IT-NOW, and placed on public notice on June 15, 1995.

Please contact me if you have any questions.

Sincerely,

Anne Marie Liss

Anne-Marie Liss
Consultant

cc: The Honorable Reed E. Hundt
The Honorable James H. Quello
The Honorable Andrew C. Barret
The Honorable Rachelle B. Chong
The Honorable Susan Ness
Regina Keeney, Chief
Wireless Telecommunications Bureau
Frederick H. Graefe, Counsel, HEAR-IT-NOW

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

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DEC 17 1995

In the Matter of)

Section 68.4 (a) of the Commission's Rules)

Hearing Aid-Compatible Telephones)

RM - 8658

COMMENTS

1. Anne-Marie Liss, a telecommunications consultant, files these comments in support of the Petition for Rulemaking filed by "Helping Equalize Access Rights for Telecommunications Now" (HEAR-IT-NOW) to amend Section 68.4(a) of the Commission's Rules, 47 C.F.R. § 68.4(a), to specify that broadband PCS devices capable of voice transmission or reception must be hearing aid-compatible.

2. This petition could not be more timely given the swift pace of the PCS auctions and licensing and the concomitant marketplace demand for the introduction of equipment to be used with the new PCS operating systems. I and other hearing aid wearers who have witnessed and suffered through the earlier, and still unconcluded, wireline hearing aid compatibility proceeding in CC Docket No. 87-124 have an unpleasant sense of déjà vu and a growing sense of alarm over the prospect of being excluded, once again, from what is expected to become a pervasive mode of telephone communication in our society.

3. The Petition filed by HEAR-IT-NOW presents the Commission with an opportunity to ensure that the clear economic and social advantages presented by wireless services such as PCS will be enjoyed by *all* Americans, including for the first time, those Americans who wear hearing aids. If the Commission acts quickly to direct wireless

communication providers to make their devices hearing aid compatible, then the lives of four million Americans will be changed for the better and the Commission will have taken another major step toward promoting universal service. If, on the other hand, the Commission permits the PCS industry to enjoy the same exemptions under Section 68.4 (a) (1) which were permitted the public mobile and private radio telephone industry, and the same reduced level of service to hearing impaired telephone consumers as the wireline telephone industry, then hearing impaired telephone consumers will, once again, be relegated to second-class status.

4. This unique opportunity to promote true equal access for hearing impaired telephone consumers was not available to the Commission in the earlier wireline telephone rulemaking proceeding due to the pre-existence in the marketplace of millions of non-compatible telephones. The Commission, in an effort to balance the interests of both hearing impaired consumers and the industry, created a class of so-called "essential telephones" (e.g., workplace, hospital, hotel, etc.) to which hearing impaired consumers would be assured equal access. As the petitioner, HEAR-IT-NOW pointed out, even this limited effort to promote telephone access was resisted by the industry with the result that "some seven years after the Hearing Aid Compatibility Act was adopted, people who wear hearing aids are still not able to use all telephones in public places" (Petition, ¶ 9). The wireline industry's convenience and necessity took precedence over the convenience and necessity of hearing impaired telephone consumers. While I am pleased to learn that the Commission-sponsored negotiated rulemaking has been successfully concluded (FCC News Release, Report No. DC-95-50, dated June 22, 1995), I am still appalled that hearing aid wearers such as myself have had to wait so long for reasonable telephone access.

5. Clearly, the marketplace circumstances of the burgeoning wireless industry are not the same. PCS equipment has not already been designed, marketed, and installed.

Although requiring all PCS devices to be hearing aid compatible will involve an initial expense, this expense will be far less than the expense of eventual retrofitting and will be borne equally by all PCS licensees. The industry has been on notice for more than ten years now that (a) some four million telephone consumers wear hearing aids that require compatibility, and (b) Congress and the Commission have found equal access to the telephone network for hearing aid wearers to be in the public interest.

6. If wireless telephone service providers and equipment manufacturers are allowed to introduce services that are incompatible with hearing aids, the four million hearing aid wearers in this country will be faced with a direct economic threat. This threat cannot be exaggerated. There are very few jobs in this country that do not require employees to use the telephone several times a day. As society becomes more mobile, the likelihood and need for hearing impaired workers to be able to communicate with their coworkers on the road -- away from their so-called "essential" telephones -- becomes greater. An employee, or even a small business person, who cannot be contacted and can contact others in an expeditious manner will lose business and the opportunity for job advancement. Hearing impaired individuals are already saddled with significant costs: paying between \$500 and \$1000 per hearing aid (most hearing impaired individuals wear two hearing aids which have a useful life of only three to five years), plus the cost of hearing aid batteries, telephone amplifiers, assistive listening devices, TV caption decoders, and oral interpreters. A competitive salary is required to pay for such an array of assistive devices.

7. If the Commission were to reapply, in the case of PCS services, the policy of creating a distinctive class of "essential telephones" and hence a distinctive "class" of telephone users, hearing aid wearers will find themselves pulling on a telephone leash that

grows shorter every day. The Commission would in effect elevate what is purely a *hearing* impairment into a mobile impairment. Hearing aid wearers will increasingly become communications paraplegics, chained to the few compatible telephones on their desk or at home and unable to enjoy the increased mobility, emotional and economic security that wireless services will bring to their friends and coworkers.

Conclusion

8. No group in our society is more dramatically affected, for better or for worse, by technological developments in telecommunications than those who suffer from a communications disability. By amending Section 68.4 (a) of the FCC rules *now* to require broadband PCS devices to be hearing aid compatible the Commission will ensure that four million Americans are affected for the better. By amending the rules now, the Commission will significantly reduce the burden of compliance on the PCS industry.

9. Accordingly, I respectfully urge the Commission to initiate a rulemaking proceeding expeditiously to amend Section 68.4(a) of the Commission's rules to specify that PCS devices capable of voice transmission and reception must be hearing aid compatible..

Respectfully submitted,

A handwritten signature in cursive script that reads "Anne-Marie Liss".

Anne-Marie Liss
Consultant

July 17, 1995

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